

Assembly Bill No. 339

Passed the Assembly May 14, 2009

Chief Clerk of the Assembly

Passed the Senate July 9, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 12000 and 12001 of the Education Code, relating to education finance.

LEGISLATIVE COUNSEL'S DIGEST

AB 339, Torres. Education finance: county offices of education.

(1) Existing law establishes a system of public elementary and secondary schools in this state. Under this system, local educational agencies, which include school districts and county offices of education, have numerous responsibilities relating to the operation of schools and the instruction of pupils.

This bill would express findings and declarations of the Legislature relating to the funding of county offices of education.

(2) Existing law requires the State Board of Education to direct the allocation and apportionment of federal funds to local educational agencies.

This bill instead would require the state board to direct the allocation and apportionment of federal funds to school districts, and would include county offices of education and other agencies within the definition of school district, as specified, for purposes of these provisions. The bill would also make conforming changes.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) County offices of education, which are established pursuant to Article IV of the California Constitution, serve a multitude of educational needs in their respective regions across the state.

(b) Many county offices of education have the dual role of business and education service provider for school districts and as direct education provider for pupils with special needs or who are at risk of failure in school.

(c) The government and the public schools of California have a moral obligation and a constitutional duty to provide all of California's children with the skills necessary to become productive

members of our society irrespective of ability or status as an adjudicated or foster youth.

(d) County offices of education may be excluded from, or are not always considered to be eligible for, various funding streams established to benefit pupils, parents or caregivers, and educators, even though they are the presumed local educational agency to serve certain pupils.

(e) Children who are served by county offices of education have the most to gain through the provision, to the county offices, of equitable and equal access to grants and other funds that are provided to school districts.

SEC. 2. Section 12000 of the Education Code is amended to read:

12000. (a) Whenever, by any act of Congress, funds are provided as federal aid to education to the several states and the disposition of the funds is not otherwise provided for by or under the act of Congress or by or under any law of this state, the apportionment and distribution of those funds to school districts shall, insofar as consistent with the requirements prescribed by the federal law and implementing rules and regulations, be governed by the standards set forth in this article.

(b) Whenever a federal law designates a state educational agency or other agency or officer primarily responsible for state supervision of public schools, that designation shall be deemed to refer to the State Board of Education. The State Board of Education shall make timely application for any federal funds made available, and shall, pursuant to the federal law and this article, direct the allocation and apportionment of the federal funds to school districts.

(c) As used in this article, “school districts” include school districts, county offices of education, and other agencies deemed eligible pursuant to state and federal law.

SEC. 3. Section 12001 of the Education Code is amended to read:

12001. The State Board of Education shall adopt rules and regulations for the allocation of federal funds to school districts entitled to receive federal funds for the support of schools. In determining the rules and regulations by which those allocations are to be made, the State Board of Education shall consider all factors of local effort and all educational programs maintained by

those school districts. The rules and regulations adopted pursuant to this section shall be based upon need, and the state board shall carefully scrutinize the abilities and efforts of the affected school districts.

Approved _____, 2009

Governor